

CANADA / JUDGMENT

Bassi v. Chahal

2025 BCSC 2236

COURT

Supreme Court of British Columbia

DECIDED

20 October 2025

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2025 BCSC 2236 Bassi v. Chahal

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

Bassi v. Chahal,

2025 BCSC 2236

Date: 20251020

Docket: M1911838

Registry: Vancouver

Between:

Inderjit Kaur Bassi

Plaintiff

And

Manmeet Singh Chahal

Defendant

Before: The Honourable Justice Hoffman

Oral Reasons for Judgment

In Chambers

Counsel for the Plaintiff:

M. Randhawa

Counsel for the Defendant:

D. Evans

K. Jamieson

Place and Date of Trial/Hearing:

Vancouver, B.C.

August 8, 2025

Place and Date of Judgment:

Vancouver, B.C.

October 20, 2025

- [1] THE COURT: In this summary trial, the defendant seeks to dismiss the plaintiff's action for damages arising out of a car accident that occurred on November 15, 2017, on the basis that the notice of civil claim was filed on November 19, 2019, four days outside the applicable two-year limitation period as set out in the Limitation Act, S.B.C. 2012, c. 13.
- [2] The accident was a significant collision, with both vehicles sustaining substantial damage. This was the third accident that the plaintiff was involved in over a span of three years. Two previous accidents in 2014 and 2015 are the subject of two separate actions commenced within the applicable limitation period.
- [3] The defendants in all three actions deny liability for the accidents. Subject to the decision in this application, a 20-day trial has been scheduled for March 2026 for all three actions.
- [4] The defendant submits that because there is no reason why the plaintiff could not have understood on the day of the accident that she had a claim to advance, the two-year limitation period should run from November 15, 2017. Further, the defendant denies any acknowledgement of the claim on his part that would have extended the limitation period.
- [5] The plaintiff's primary position is that the limitation issue is not suitable for summary trial, but rather should be decided in the context of a trial with the benefit of a full evidentiary record.
- [6] As to the merits of the application, the plaintiff says that it should be dismissed on the basis that the limitation period was suspended due to disability, given the injuries the plaintiff suffered in the accident.
- [7] Further, the plaintiff argues that the defendant acknowledged and confirmed her claim for damages through a payment made by ICBC for the total loss of her vehicle due to the damage it sustained in the accident.
- [8] For the reasons that follow, I conclude that the limitation defence is not suitable for determination by summary trial and dismiss the defendant's application.

Factual Background

- [9] The plaintiff, Ms. Bassi, was 60 years old at the time of the third accident. She alleges that when the third accident occurred, she had not yet recovered from the injuries she sustained in her two previous accidents. At the time of the third accident, Ms. Bassi had already retained counsel and filed actions in respect of the first and second accidents.
- [10] The notice of civil claim in respect of the third accident was filed on November 19th, 2019, by Ms. Bassi's former counsel, Rajkanwal Kaur Bassi, who is also her daughter. This action, filed two years and four days after the third accident, sought damages for injuries the plaintiff sustained as a result of the third accident.
- [11] The plaintiff says that the accident occurred when the defendant driver attempted a U-turn, causing the collision. The defendant says that the plaintiff T-boned his vehicle. The defendant filed a response to civil claim on July 28, 2020, denying liability and raising the defence that the action was filed outside the two-year limitation period.
- [12] Harbans Bassi, the plaintiff's mother-in-law, was a passenger in the plaintiff's vehicle at the time of the third accident and also claims injuries and damages as a result of the third accident. She, too, was represented by Rajkanwal Kaur Bassi, who filed a notice of civil claim on November 19, 2019, outside the two-year limitation period.
- [13] Justice Chan heard a summary trial similar to the one before me. In reasons indexed at 2024 BCSC 1843, Justice Chan dismissed the summary trial application on the basis that the action was filed within the limitation period, which she found was extended by a disability arising from the injuries Harbans Bassi sustained in the accident.

Legal Framework

- [14] Under s. 6(1) of the Limitation Act, "a court proceeding in respect of a claim must not be commenced more than 2 years after the day on which the claim is discovered."
- [15] Section 8 of the Limitation Act sets out when a person is fixed with the knowledge that they have a claim to advance.
- [16] Once it is established that a plaintiff has filed an action following the expiry of a limitation period, the onus shifts to the plaintiff to establish that the defendant is estopped from relying on the limitation defence: *Ross v. Insurance Corporation of British Columbia*, 2021 BCSC 1659, at para. 29.
- [17] Under Rule 9-7(15) of the Supreme Court Civil Rules, B.C. Reg. 168/2009, the court may:
 - (a) grant judgment in favour of any party, either on an issue or generally, unless
 - (i) the court is unable, on the whole of the evidence before the court on the application to find the facts necessary to decide the issues of fact or law;

(ii) the court is of the opinion that it would be unjust to decide the issues on the application;

[18] In *Cepuran v. Carlton*, 2022 BCCA 76 at para. 149, the Court of Appeal reiterated the factors relevant to a determination of whether to allow a matter to be determined by summary trial articulated in the well-known case of *Inspiration Mgmt. Ltd. v. McDermid St. Lawrence Ltd.*, 36 B.C.L.R. (2d) 202, 1989 CanLII 229 (C.A.). These include:

- a) the amount involved,
- b) the complexity of the matter,
- c) its urgency,
- d) any prejudice likely to result from further delay,
- e) proportionality, namely, the cost of taking the matter to a conventional trial in relation to the amount involved,
- f) the course of the proceedings, and
- g) whether the evidence is sufficient to decide the dispute.

[19] In *Bell v. Levy*, 2011 BCCA 417 at para. 64, the Court of Appeal identified as additional factors for consideration:

- a) the time required to hear the summary trial,
- b) whether credibility of one or more of the parties is at issue,
- c) if the summary trial adds a layer of unnecessary complexity, and
- d) if the application results in the litigation of the action in slices.

[20] The defendant relies on *Ross*. There the defendant brought a summary trial to have the plaintiff's claim dismissed on the basis that she failed to commence her action for damages arising from a motor vehicle accident within the two-year limitation period. Justice Donegan found that a summary trial was appropriate because the limitation issue was distinct from any other issues of liability and damages that could arise at trial.

[21] The plaintiff submits that *Ross* is distinguishable on the basis that she alleges to have suffered indivisible injuries in all three accidents. If it is established that the injuries are indivisible, the defendants in all three actions will be jointly and severally liable for such injuries. As such, the issues of liability and damages are intertwined, and the limitation issue is not as discrete as it was in *Ross*.

Divisible and Indivisible Injuries

- [22] Injuries that are the result of more than one cause are either divisible or indivisible. With divisible injuries, it is possible on the evidence to separate out the constituent injuries in order to assess the damages arising from each injury separately. Where injuries are indivisible, it is not possible to separate them out to either assess damages or attribute them to particular causes: *Bradley v. Groves*, 2010 BCCA 361 at para. 20.
- [23] Where multiple tortfeasors cause indivisible injuries, they are jointly and severally liable: *Bradley* at para. 21; *Athey v. Leonati*, [1996] 3 S.C.R. 458 at paras. 12 and 17, 1996 CanLII 183.

Assessment of Suitability

- [24] In my view, the question of whether the plaintiff was disabled in the aftermath of the accident is not one that is suitable to be heard on the basis of affidavit evidence.
- [25] The plaintiff alleges that in the weeks following the third accident, she was under a disability that postponed the running of the limitation period. The plaintiff provides affidavit evidence that she was in shock following her discharge from the emergency department of Surrey Memorial and that she was bedridden for a period of time after she arrived home. She says that she was sleepy, dizzy, drowsy and not able to think clearly between November 15th and November 30th, 2017. She further says that she was reliant upon her family members to care for her during this period.
- [26] The defendant submits that there is no indication from the medical records that the plaintiff was subject to a disability when she attended the hospital for treatment following the accident. I infer from this submission that the defendant challenges the credibility of the plaintiff's evidence regarding the extent of her injuries and their impact on her ability to function in the weeks following the accident.
- [27] In my view, it is not appropriate to resolve this credibility issue solely on the basis of affidavit evidence because cross-examination is required in order to fairly find facts in respect of these matters.
- [28] I am also unable to make findings regarding the extent to which the plaintiff may have been suffering a disability solely on the basis of the clinical records. It is important to keep in mind that these records were not created for the purpose of assessing the extent to which the plaintiff may be suffering from a disability within the meaning of the Limitation Act. Accordingly, these records may not fully record all of the observations of the treating physicians that may be relevant to the question of disability. The plaintiff should have the opportunity to call viva voce testimony from the practitioners who recorded these observations.

- [29] Even if these concerns could be overcome, I am not persuaded that singling out the limitation issue to be resolved on a summary trial either advances proportionality or is an efficient use of court resources. As the divisibility of the plaintiff's injuries is at issue, even if the limitation issue could be decided on a summary trial, it would not result in any significant saving in court time. The only witness that may potentially be eliminated is the defendant in the third accident.
- [30] Leaving aside the potential limitation defence available to the defendant in the third accident, if the plaintiff's injuries from the second accident are found to be indivisible from those suffered in the third accident, then the defendant in the second accident may be found to be joint and severally liable for the injuries suffered in the third accident. Accordingly, it will be necessary for the court to make a finding regarding the extent to which the injuries from the third accident are divisible from those suffered in the second accident.
- [31] As a result, the medical evidence relating to the impact of the plaintiff's injuries in the third accident will still need to be considered by the trial judge. Therefore, determining the impact of the limitation defence on the ability of the plaintiff to recover from the defendant in the third accident on a summary trial will not have the effect of significantly shortening the trial. Rather, it adds a layer of complexity and cost to these proceedings that is unwarranted.
- [32] Accordingly, I find that it is not suitable to determine the limitation issue on a summary trial. The most efficient and fair way to proceed is to determine the limitation issue in the context of the trial. The defendant's application is dismissed.
- [33] Following the usual rule, the plaintiff would be entitled to costs; however, as there may be circumstances of which I am unaware relevant to an award of costs, I will hear from counsel.
- [Submission re costs]
- [34] THE COURT: I am going to order costs to the plaintiff in the cause. In my view, the defendant should have carefully considered the extent to which this summary trial application would streamline things. Although you have not had the benefit of my reasons, I dismissed the summary trial because having the limitation defence heard separately from the trial will not save much in the way of court time and it is more efficient to resolve this issue in the context of the trial, given that the injuries alleged are indivisible injuries. On that basis, I order costs to the plaintiff in the cause.

"Hoffman J."

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